IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 574 of 2006 (M/B)

1. L.N. Jaggi S/o Guru Ram Das Jaggi,
   R/o Montclair Apartment, Mussoorie,
   Dehradun.
2. Om Prakash Gupta S/o Late Harswaroop Gupta,
   R/o 26 Jor Bagh, New Delhi. ……. Petitioners

Versus

1. State of Uttaranchal,
   through Secretary, Home,
2. J.S. Sandhu S/o S.S. Sandhu,
   R/o Block A, Flat No. A 406,
   Montclair apartments, Mussoorie,
   Dehradun. …….. Respondents

Mr. L.K. Tiwari, Advocate for the petitioners.
Mr. D.K. Sharma, Government Advocate for respondent No. 1.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. L.K. Tiwari, Advocate for the petitioners.

Mr. D.K. Sharma, Government Advocate for respondent No. 1.

They are heard.

2. The petitioners have filed this writ petition for the following reliefs:

> "I. issue a writ, order or direction in the nature of certiorari for quashing the impugned First Information report (Annexure No. 1) dated 29.10.03 registered as case crime no. 39/2003 U/S 406, 420 I.P.C. P.S. Mussoorie District Dehradun.
>
> II. issue a writ, order or direction in the nature of mandamus commanding the respondent to not to arrest the petitioners in respect of case crime no. 39/2003 U/S 406, 420 I.P.C. P.S. Mussoorie District Dehradun.
>
> III. issue any other writ, direction or order as this Hon'ble court may deem fit just and proper in the circumstance of the case.
>
> IV. Allow the writ petition with cost in favour of the petitioner."

3. The further investigation in the case registered by the police against the petitioners has been directed by the Chief Judicial Magistrate, Dehradun vide order dated 04.01.2006 (Annexure No. 4). We do not find any illegality in the order of the Magistrate directing further investigation in the case.

4. While disposing of the writ petition, we direct that the concerned police shall not take any coercive steps for the arrest of the petitioners unless further incriminating material is found against the petitioners in the further investigation of the case to make out a prima facie case against the petitioners for the commission of the offences alleged against them.

5. With the above observation, the writ petition stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
10.05.2006 **10.05.2006**

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